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June 18, 2003

**FILED**  
**HARRISBURG, PA**

**JUN 19 2003**

**MARY E. D'ANDREA, CLERK**  
**Per**                       
**Deputy Clerk**

The Hon. Andrew Smyser  
United States District Court  
Middle District of Pennsylvania  
PO Box 983  
228 Walnut Street  
Harrisburg, PA 17108

Via Fax and First Class Mail

**RE: John D. and Theresa M. Perkey v. Reliable Carriers, Inc., et.al.**  
**Civil Action No. 1:CV-00-1639 (Judge Andrew Smyser)**  
**Our File No. CAR-125**

Dear Judge Smyser:

This letter is to confirm a telephone conversation with an associate of this firm, Lynn Matz, Esq., and your office on June 17, 2003. At that time, she requested to attend the pre-trial and settlement conference scheduled on the above-referenced matter on behalf of our client, ABF Freight Systems, Inc.

As you are aware, ABF Freight Systems, Inc. had filed a Motion to Intervene, as well as a Request for Leave of Court to respond to Defendant's Motion for Summary Judgment. Both of these requests were denied. ABF then filed a Motion for Reconsideration, which was also subsequently denied.

At this time, ABF intends to file an appeal to the Third Circuit pertaining to their Motion to Intervene as well as the Defendant's Motion for Summary Judgment responses. The appeal is being filed to protect subrogation interests which ABF asserts for workers' compensation benefits paid to Plaintiff in the above-referenced matter. ABF asserts that, as a self-insured of workers' compensation benefits, it is

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entitled to assert it's subrogation lien as it is not an "insurer" under either the Pennsylvania Insurance Guarantee Act or the Michigan Property and Casualty Guarantee Act.

Therefore, this letter only serves to confirm that ABF requested attendance at the pre-trial and settlement conference on June 19, 2003, and was denied.

Very truly yours,

A handwritten signature in cursive script that reads "Michael A. Farrell".

Michael A. Farrell  
Attorney for ABF Freight Systems, Inc.

MAF/cas